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09/668,623	09/22/2000	Christopher S. Hagler	PD-201115	1466

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EXAMINER

ELALLAM, AHMED.

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/668,623

Applicant(s)

HAGLER ET AL.

Examiner

AHMED ELALLAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 3,4,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On page 8, line 6, the numeral character "316" should be 216.

On page 8, lines 12 and 15, the numeral characters "312" and "316" should be corrected to conform to that of figure 2.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lo, US 2002/0026504.

Regarding claim 1, with reference to figure 1, Lo discloses a method for automatic configuration of a DSL modem, comprising:

A broadband modem 160 connected to the telephone line 135, see paragraph [0014], (reads on connecting a DSL modem to an analogue telephone line);

A search module 224 for automatically determining a set of configuration values and builds a discover packet that is transmitted over the telephone line to be acknowledged by the access concentrator, 190, see paragraph [0019]; (reads on

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automatically determining available communication resources on the analogue telephone line);

Upon receipt of a response packet by the broadband modem 160, search module 224 determines the correct configuration information from the header of the response packet and determines the presence of broadband service associated with the correction configuration information, see paragraph [0021]; reads on claimed automatically configuring the DSL modem based on the available communication resources.

Regarding claim 2, Lo discloses that the access concentrator responds to the discovery packet, See paragraph [0019], and that if no response is received after several attempts, the modem is notified that the broadband service is not available, see paragraph [0023]. (Reads on the automatically determining available communication resources further comprises the step of automatically detecting if DSL communication circuit exist on the analogue circuit).

Regarding claim 5, Lo discloses automatically identifying a virtual communication route for communicating between the broadband modem and a broadband network 120, see paragraph [0021].

Regarding claim 6, Lo discloses that:

broadband modem 160 transmits multiple discover packets, see paragraph [0020] , (reads on transmitting a plurality of test signals to the communication network);

receiving a response to one of discover packets, see paragraph [0020], (reads on receiving a response signal to one of the plurality of signals);

storing response signal, see [0023].

Regarding claim 7, Lo discloses that the plurality of sets of configuration values includes a subset of commonly used VPI values and VCI values. The broadband modem transmits these values to a network access device by way of discover packets until a correct configuration match is found. See [0009]. (Reads on sending a plurality of test cells to an ATM network, where each test cell contains a different test VPI/VCI pair).

Regarding claim 8, Lo discloses that the broadband modem determine the correct configuration information from the received response packet, and determine the presence of broadband service associated with the correction configuration information, and that correct configuration information includes a VPI value, a VCI value. See paragraph [0021]. (reads on receiving step further comprises the step of acquiring a single response cell from the ATM network, where the single response cell contains a single response VPI/VCI pair for communicating with the ATM network.

Regarding claim 9, Lo with reference to figure 1 and 2, discloses a DSLAM between the broadband network 120 (ATM network) and the broadband modem, Lo also discloses a search module 224 (figure .2) configured to determine which set of configuration values stored in configuration table 220 is appropriate for establishing communications between broadband modem 160 and access concentrator 190 through the DSLAM, and that the search module select a set of configuration values (ie: VPI, VCI) from a configuration table (claimed static list of VPI/VCI pairs), see paragraph [0019] and that in response to the discover packet a determination is made with the proper VPI/VCI pair (indicated above). (reads on matching VPI/VCI pairs with a VPI/VCI

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pair contained in within a static list of at least some VPI/VCI pairs that the DSLAM is configured with.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo.

Regarding claim 10, Lo disclose all the limitation of the parent claim 8, and in addition it discloses the responses to discover packet are provided by access devices, such as access concentrator 190. See [0010].

Lo does not explicitly disclose retrieving the response packet from a configuration server.

However, Lo discloses that other network devices for providing a response are within the scope of the invention. See [0014].

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to use a configuration server for providing responses instead of the access concentrator so that the system of Lo would have more flexibility to configure Modems as the demand for service increases.

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Regarding claim 11, Lo disclose all the limitation of the parent claim 8, and in addition it discloses the responses to discover packet are provided by access devices, such as access concentrator 190. See [0010].

Lo does not explicitly disclose retrieving the response packet from a host via the Internet.

However, Lo discloses that other network devices for providing a response are within the scope of the invention. See [0014].

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to have the disclosed other system device being an Internet host so that ATM-over-Internet services can be provided.

Regarding claim 12, Lo disclose all the limitation of the parent claim 8, and in addition it discloses the responses to discover packet are provided by access devices, such as access concentrator 190. See [0010].

Lo does not explicitly disclose retrieving the response packet from a DSLAM

However, Lo discloses that other network devices for providing a response are within the scope of the invention. See [0014].

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to configure the DSLAM of Lo for providing the responses as part of design choice instead of the access concentrator.

4. Claims 13, 14, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo in view of Kikinis, US (5,960,073).

Regarding claim 13, with reference to figure 1 and 2, Lo discloses a broadband modem 160 connected to the telephone line 135, see paragraph [0014], the broadband modem comprising a processor 210 and memory device 204 that perform the functions necessary to configure broadband modem 160 and then establish and maintain connections between computer 150 and broadband network 120. Processor 210 executes program instructions.

A search module 224 for automatically determining a set of configuration values and builds a discover packet that is transmitted over the telephone line to be acknowledged by the access concentrator, 190, see paragraph [0019]; (reads on automatically determining available communication resources on the analogue telephone line);

Upon receipt of a response packet by the broadband modem 160, search module 224 determines the correct configuration information from the header of the response packet and determines the presence of broadband service associated with the correction configuration information, see paragraph [0021]; reads on claimed automatically configuring the DSL modem based on the available communication resources.

Lo does not disclose a relay for switching a connection between a DSL circuit and a first pair of lines and a second pair of lines.

However, with reference to figure 1, Kikinis discloses a home having two pair of lines 127 and 129.



Therefore it would have been obvious to an ordinary person of skill in the art at the time the invention was made to have the two lines implementation applied to the modem of Lo so that either line can be intermittently selected for broadband services.

Regarding claim 14, 17-21, claims 14, 17-21 have software instruction for implementing the same steps in respective rejected method claims 2, 5-9. Thus they are rejected on the ground of being taught by Lo.

#### ***Allowable Subject Matter***

5. Claims 3, 4, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Boswell, Jr. et al, US (6,272,169); Schneider, US (6,215,855); Hamdi, US (6,345,071); Cheng et al, US (6,456,650); Locklear, Jr. et al, US (6,483,870).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (703) 308-6069. The examiner can normally be reached on 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AHMED ELALLAM  
Examiner  
Art Unit 2662  
December 9, 2003



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600